

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 14, 2021

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kelly Gordon Dupuis

Case Number: 0980 2:19CR00208-SAB-1

Address of Offender:

Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: September 2, 2016

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 60 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: David Michael Herzog

Date Supervision Commenced: June 27, 2019

Defense Attorney: John Barto McEntire, IV

Date Supervision Expires: June 26, 2024

PETITIONING THE COURT

To issue a **warrant** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/13/2021, 04/15/2021 and 06/30/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
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10 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: It is alleged that Mr. Kelly Dupuis violated his conditions of supervision by consuming fentanyl on or about July 6, 2021.

On June 27, 2019, the undersigned and Mr. Dupuis reviewed the conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On July 6, 2021, Mr. Dupuis was instructed to report to the U.S. Probation Office to submit to urinalysis testing. The undersigned officer advised Mr. Dupuis his urine sample would be tested for fentanyl, and asked if said substance would be present in his system. Mr. Dupuis strongly denied that fentanyl would be present in his urine sample.

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Mr. Dupuis reported to the U.S. Probation Office and submitted urine sample that was sent to the lab for further testing. On July 13, 2021, the lab report was received, which confirmed a positive result for fentanyl.

- 11 **Special Condition #1:** The defendant shall participate in and successfully complete a program of substance abuse treatment as directed by the United States Probation Office, until the defendant is released from the program by the probation officer and counselor. The defendant is to pay part or all of the cost of his treatment, depending upon the defendant's ability to pay, as directed by the United States Probation Office.

Supporting Evidence #2: It is alleged that Mr. Dupuis is in violation of his conditions of supervised release by failing to attend intensive outpatient treatment at Spokane Addiction and Recovery Center (SPARC) on June 21 and 28, and July 9, 2021.

On June 27, 2019, the undersigned and Mr. Dupuis reviewed the conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On July 6, 2021, the undersigned officer received a call from staff at SPARC. Staff advised Mr. Dupuis began treatment on June 21, 2021; however, he was a no show on his first day of scheduled treatment. He also failed to appear for treatment on June 28, and July 9, 2021. Staff indicated Mr. Dupuis appears to be only showing up on Wednesday groups. A monthly report for June 2021 was later received and indicated Mr. Dupuis is not in compliance due to unexcused absences. It was also reported that Mr. Dupuis needs to consistently engage in treatment, schedule and attend individual sessions. Further, the report stated Mr. Dupuis is at serious risk of being discharged.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a **warrant**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/14/2021

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

7/14/2021

Date